CITY OF MILPITAS
UNAPPROVED

PLANNING COMMISSION MINUTES

February 5, 2003

I. PLEDGE OF ALLEGIANCE

Chair Hay called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II. ROLL CALL

Present: Lalwani, Galang, Giordano, Hay, Nitafan, Sandhu and Williams
Absent: None
Staff: Heyden, Oliva and Rodriguez

III. PUBLIC FORUM

Chair Hay invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

There were no public speakers.

IV. APPROVAL OF MINUTES
January 22, 2003

Chair Hay called for approval of the minutes of the Planning Commission meeting of January 22, 2003.

There were no changes to the minutes.

Motion to approve the minutes of January 22, 2003 as submitted.

M/S: Lalwani/Giordano

AYES: 6

NOES: 0

ABSTENTIONS: 1 (Hay) – Absent at the January 22, 2003 meeting.

V. ANNOUNCEMENTS

Tambri Heyden, Planning Manager, noted that the December 2002 monthly transportation status report, requested by Commissioner Williams at the last Planning Commission meeting, has been distributed at the beginning of tonight's meeting and will resume being distributed monthly. **Commissioner Williams** expressed his appreciation to staff and Joe Oliva for the comprehensive report.

Commissioner Galang gave thanks to Commissioner Nitafan and Commissioner Giordano and other donators for their donations to a Philippine hotline that provides assistance to abused children.

Commissioner Nitafan announced that the deadline for the 2003 Milpitas Citizen of the year, Firefighter of the year and Policeman of the year is February 14, 2003, and that the main event will be held on March 15, 2003 at the Milpitas Community Center.

Commissioner Giordano congratulated staff for organizing the Commissioner's Recognition Dinner and mentioned that it was well attended and the best one as of yet. Chair Hay echoed her comments.

Chair Hay encouraged the Commissioners to attend the 2003 Planner's Institute organized by the League of California Cities that will be held March 20 – 22, 2003 in San Diego, mentioning that this event provides great information on how to better serve the Community and to learn what's going on in the planning and legal process.

VI.
APPROVAL OF AGENDA

Chair Hay called for approval of the agenda.

Ms. Heyden requested that Item No. 2 on the agenda be considered before Item No. 1.

Motion to approve the agenda with the indicated change above.

M/S: Lalwani/Sandhu

AYES: 7

NOES: 0

VII.
CONSENT CALENDAR
No Items

Chair Hay noted that there were no items on the consent calendar.

VIII.
NEW BUSINESS

Chair Hay introduced Agenda Item No. 2 under New Business.

1. GREAT MALL HOLIDAY PARKING REVIEW (P-AD2003-2) FOR USE PERMIT (NO. 1166) AMENDMENT NO. P-UA2002-4:

Joe Oliva, Transportation Planner, presented a 2002 holiday parking review update for the Great Mall Shopping Center that is required to be prepared as part of the approved use permit for a parking modification. Mr. Oliva noted that the dates surveyed were July 20 and 21, 2002, December 7 and 8, 2002 and December 14 and 15, 2002 from 12:00 p.m. to 6:00 p.m.

Chair Hay commented on the parking distribution after 4:00 p.m., and mentioned that there is always available parking on the other (east) side of the mall. He wanted to know if there is signage indicating available parking.

Ms. Heyden pointed out that a condition of approval imposed during review of the 2001 study last year required changeable message signs to be erected and that there are now several electronic parking signs that note parking is available in the parking deck that addresses this issue. Mr. Oliva added that these signs were in place during the holiday.

Commissioner Nitafan commented that he would still like to see better signage at the Great Mall because the signs are very hard to see.

Ms. Heyden responded that the Great Mall sign program which included directory signs that previously went to the Subcommittee included white lettering on an orange background that proved not to be visible. Commissioner Williams had suggested a black outline on the lettering. Ms. Heyden had knowledge of at least one sign being outlined and would report back on whether the rest had been completed. Chair Hay agreed that Commissioner Williams' suggestion had solved the problem.

Vice Chair Lalwani asked if parking demand was surveyed after 7:00 p.m. and Mr. Oliva responded that "no" because survey data showed that parking peaked at 4:00 p.m. and dropped rapidly after 6:00 p.m.

Vice Chair Lalwani mentioned that the parking lot near Dave and Buster's is very heavy after 6:00 p.m.

2. AMATEUR RADIO ANTENNAS DISCUSSION (P-AD2003-1):

Chair Hay introduced Agenda Item No. 1 under New Business.

Tambri Heyden, Planner Manager, presented a discussion of the existing approval process and review criteria for amateur radio antennas previously requested by Commissioner Giordano. She gave a background of amateur radio antennas stating that in 1995, SEC required of regulations to accommodate antennas and that in Milpitas, residential antennas do not require Use Permits. Staff surveyed 7 cities and none require Use Permits for these kinds of antennas. Ms. Heyden mentioned that the Commission might want to regulate antennas as far as requiring them to be roof-mounted or freestanding, with freestanding one being anchored to the side or rear of the dwelling, allowing height 25 feet above the zoning district height of 30 feet, and possibly limiting antennas of any type to two per residence.

Chair Hay commented that wireless masts have been used broadly to obtain frequencies in a neighborhood, but are a visual impact.

In response to Commissioner Galang's question of why the antennas cannot exceed 25 feet above the building, Ms. Heyden clarified that 25 feet falls right in the middle of the range of desired radio frequency. The radio frequency range to antenna height ranges from 17 feet to 70 feet.

Commissioner Galang asked if a satellite dish that is located in front of a home requires a Use Permit and Ms. Heyden responded, "No".

Commissioner Galang asked if antenna regulations apply to hillside homes and Ms. Heyden responded, "Yes".

Commissioner Williams gave a brief history of antennas mentioning that Milpitas is the only city that has a Telecommunications Commission and would like to see staff review the proposed regulations with them. He also suggested staff review then with CEPAC as well. In response to his request, Ms. Heyden said that staff has already been consulting with George Burns, previous Chair from the Telecommunications Commission and would be receptive to review plans with the other organizations.

Commissioner Giordano asked if time permitted, would staff be able to include aesthetic information on antennas such as color and size and Ms. Heyden responded "Yes".

Commissioner Nitafan asked if the 25 feet above the zoning district height is strictly for residential and Ms. Heyden responded, "Yes" as this proposal is just for residential antennas.

In response to Commissioner Lalwani's question regarding the connection between 55 feet in antenna height and the corresponding radio frequency it provides, Ms. Heyden responded that the FCC allows reasonable restrictions for HAM antennas operators, and that staff felt the midpoint height was reasonable and accommodated most operators.

Commissioner Sandhu asked if staff can look into design considerations for satellite dishes as well with this proposal and Ms. Heyden replied, "Yes".

Chair Hay asked if there are currently guidelines in regards to visual impacts of antennas around homes and Ms. Heyden responded that all residential antennas are currently exempt from regulation except for a building permit.

Commissioner Williams acknowledged **Albert Alcorn, Chair of the Telecommunications Commission,** and asked him to describe how HAM operators operate.

After explanation by Mr. Alcorn, Commissioner Williams inquired about the 1995 changed FCC regulations and Mr. Alcorn responded that the Commission will be studying it in the next couple of months.

Although this item was not a public hearing, Chair Hay recognized **Ed Connor, resident at 1515 N. Milpitas Blvd.** Mr. Connor commented that amateur radios are important and used during war and they are able to talk to other operators all over the world.

Resident of 2070 Stratford Drive, mentioned how she has seen burnt orange antennas and would suggest a limit of one antenna per neighborhood. She felt that 30 feet should be the maximum height except if the antenna is telescoping.

Mr. Alcorn mentioned that frequency of antennas ranges up to 1.5 MHz and the distance varies. The height of the antennas depends on type and shape. It is very possible that the antennas would be of a different mass and limitations could be set.

Commissioner Nitafan responded that the two antenna limit would be premature and would recommend having the Telecommunications Commission review the proposal.

Chair Hay commented that aesthetic and safety issues of wireless antennas do not include just HAM antennas, but wireless antennas as well. He noted that he'd like CEPAC and the CAC to review the proposal as well. Chair Hay responded that this is a controversial subject and there are a lot of people involved. He mentioned that the City Attorney should get involved as well in case any legal issues come up.

Ms. Heyden reminded the Commission about the Phase II Zoning Ordinance Amendment project and that it requires two public hearings and involves the Planning Commission, City Council and the public. Thus, this would allow another opportunity for input to this issue as well.

Commissioner Giordano asked if there is enough time to gather the information the Commission is recommending for inclusion in Phase II of the Zoning Ordinance Amendment project when it comes to the Planning Commission. Ms. Heyden replied that it would be difficult given Phase II is planned to be discussed at the next meeting and not all the Committees suggested meet before then. She also noted that Phase III will not be coming forward until the next fiscal year so if this issue is removed from Phase II to avoid delaying Phase II there is not certainty when this issued would be completed. Ms. Heyden went on to suggest keeping this issue part of Phase II and staff will present what they have been able to address along with a status report at that time.

Motion to direct staff to proceed with preparing a HAM radio antenna ordinance, including it in the Phase II Zoning Amendments project, coordinating input from the Telecommunications Commission, CEPAC and the CAC at some point in the process and considering expanding the ordinance to all types of residential antennas, increasing the number of antennas allowed, incorporating greater aesthetic controls (color, landscaping and type of supports) and clarifying the height.

M/S: Williams/Nitafan

AYES: 7

NOES: 0

IX. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:15 p.m. to the next regular meeting of February 26, 2003.

Respectfully Submitted,

Tambri Heyden
Planning Commission
Secretary

VERONICA RODRIGUEZ
Recording Secretary